

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cordell Hackshaw	Team: Team # 3	CCRB Case #: 200904762	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/26/2009 2:10 PM, Friday, 02/27/2009 12:00 AM	Location of Incident: § 87(2)(b) and § 87(2)(b)	Precinct: 73	18 Mo. SOL 8/26/2010	EO SOL 8/26/2010	
Date/Time CV Reported Fri, 03/27/2009 4:26 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 03/27/2009 4:26 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Matthew Schiraldi	13787	944991	073 PCT
2. POM Joel Rosenthal	23138	946197	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Matthew Schiraldi	Abuse: PO Matthew Schiraldi stopped § 87(2)(b)	§ 87(2)(b)
B.POM Joel Rosenthal	Abuse: PO Joel Rosenthal entered § 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

§ 87(2)(b) filed this complaint with the Civilian Complaint Review Board (CCRB) via telephone on March 27, 2009 (**Encl. B1-B2**).

On February 26, 2009, at approximately 2:10 p.m., PO Matthew Schiraldi and PO Joel Rosenthal from the 73<sup>rd</sup> Precinct approached § 87(2)(b) at the corner of § 87(2)(b) and § 87(2)(b) in Brooklyn. The following allegations resulted from the officers' actions:

- **Allegation A – Abuse of Authority:** PO Matthew Schiraldi stopped § 87(2)(b) § 87(2)(g)
- **Allegation B – Abuse of Authority:** PO Joel Rosenthal entered § 87(2)(b) in Brooklyn. § 87(2)(g)
- § 87(4-b), § 87(2)(g)

### Results of Investigation

#### Civilian Statement(s)

##### Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) retired black male who is 5'2" tall, weighs 180lbs and has black hair with brown eyes.

##### Initial Complaint

§ 87(2)(g)

##### CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on April 21, 2009 (**Encl. B3-B6**). The CCRB also got a brief phone statement from § 87(2)(b) on October 14, 2009.

On February 26, 2009, § 87(2)(b) left his home at § 87(2)(b) in Brooklyn to get some fresh air. He had just had surgery on his legs and needed to be walking to avoid poor circulation in his legs. This investigation has determined that the incident took place at 2:10 p.m. § 87(2)(b) walked up to the corner of § 87(2)(b) and § 87(2)(b). § 87(2)(b) was standing at the corner looking at construction workers. § 87(2)(b) was not smoking or drinking alcohol. A marked RMP with two white officers, determined through investigation to be PO Matthew Schiraldi and PO Joel Rosenthal, pulled up to the corner. The officer on the driver side, PO Schiraldi, said to § 87(2)(b) "What are you standing here for?" § 87(2)(b) replied that he was outside for the exercise and for fresh air. § 87(2)(b) explained that as part of his medical treatment, he had to walk everyday. PO Schiraldi continued to ask § 87(2)(b) other questions, which § 87(2)(b) did not recall the specific nature of during his interview. However, § 87(2)(b) stated that he replied to the questions, "I am a full-grown man. I am § 87(2)(b) old. I am not in trouble. Why don't you go look for someone in trouble?" § 87(2)(b) added to PO

Schiraldi, "I am grown. I was not aware that I had a curfew and that I am not allowed on this corner." Both PO Schiraldi and PO Rosenthal exited the RMP at this point. PO Schiraldi asked § 87(2)(b) for his identification card, which § 87(2)(b) provided to him.

PO Schiraldi went back the RMP and ran a check on his identification card. PO Schiraldi came back to § 87(2)(b) and informed him that he had multiple outstanding warrants. § 87(2)(b) stated he was once issued a summons for driving with an expired license in Queens but it was thrown out in court when the officer stated that he never remembered issuing a summons to § 87(2)(b). PO Schiraldi took off § 87(2)(b) Masonic hat and gave it to PO Rosenthal. § 87(2)(b) was then frisked and searched. In his phone statement, § 87(2)(b) stated that the content of his pockets were removed including his keys. § 87(2)(b) stated that the officers also found a pocketknife during their search. The officers then asked § 87(2)(b) where he lived and § 87(2)(b) provided the officers with directions to his address. They drove to § 87(2)(b) home. PO Rosenthal then took § 87(2)(b) property and placed the items inside § 87(2)(b) home. § 87(2)(b) never gave the officers' permission to go to his home and the officers never asked § 87(2)(b) for his permission. PO Rosenthal opened the door and threw the items inside. In his initial statement, § 87(2)(b) stated that one of the officers told him that he could not wear his Masonic hat in jail so he had to take it away. § 87(2)(b) did not see PO Rosenthal go inside his apartment with the keys but knew that he had to have gone inside as he found the items that were taken from him inside the apartment when he finally returned home. § 87(2)(b) believed that he was taken to the 73<sup>rd</sup> Precinct stationhouse where he was held overnight and then taken to Queens Central Booking the following morning. § 87(2)(b)

#### **NYPD Statement(s):**

##### **Subject Officer: PO MATTHEW SCHIRALDI**

- PO Schiraldi is a § 87(2)(b)-old white male who is 5'10'tall, weighs 180lbs and has brown hair with blue eyes.
- On February 26, 2009, PO Schiraldi worked from 11:30 a.m. to 8:05 p.m. with PO Joel Rosenthal in marked car #4424. They were assigned to Impact Auto and dressed in uniform.

##### **Summons**

PO Schiraldi issued two C-summonses to § 87(2)(b) on February 26, 2009, at approximately 2:10 p.m., at the northeast corner of § 87(2)(b) and § 87(2)(b) in Brooklyn: #§ 87(2)(b), § 87(2)(a) 160.50 and #§ 87(2)(b) § 87(2)(a) 160.50 (Encl. C2).

##### **Memo book**

At 2:10 p.m., § 87(2)(b) was arrested for outstanding warrants at the corner of § 87(2)(b) and § 87(2)(b). Two C-summonses were also issued to § 87(2)(b) for § 87(2)(a) 160.50 (Encl. C1).

##### **CCRB Statement**

PO Matthew Schiraldi was interviewed at the CCRB on October 1, 2009 (Encl. C3-C4). PO Schiraldi had no independent recollection of the incident beyond what was written in his memo book. When shown a photograph of § 87(2)(b) PO Schiraldi stated that he looked familiar but did not recall if and when he specifically interacted with him. PO Schiraldi did not recall going to anyone's home in order to leave property.

**Subject Officer: PO JOEL ROSENTHAL**

- PO Rosenthal is a § 87(2)(b) -old white male who is 5'11" tall , weighs 225lbs and has brown hair with brown eyes.
- On February 26, 2009, PO Rosenthal worked from 11:30 a.m. to 8:05 p.m. He was assigned to Impact Auto in RMP #4424 with PO Matthew Schiraldi. They were dressed in uniform.

**Memo book**

PO Rosenthal had no memo book entries regarding this incident (**Encl. C5-C8**).

**CCRB Statement**

PO Joel Rosenthal was interviewed at the CCRB October 1, 2009 (**Encl. C9-C10**).

PO Rosenthal had no recollection of the incident. When shown a photograph of § 87(2)(b) § 87(2)(b) PO Rosenthal stated that he looked familiar but did not recall why and when he interacted with § 87(2)(b) PO Rosenthal did not recall the incident when given details of incident.

**Additional Officer Interviewed**

PO Christian Quezada was also interviewed at the CCRB on August 19, 2009 (**Encl. C11-C12**). However, it was determined that PO Quezada was not involved in this incident nor was he present.

**NYPD Document(s)**

**73rd Precinct Command Log**

This report shows that § 87(2)(b) was taken to the 73rd Precinct stationhouse at 2:40 p.m. on February 26, 2009 by PO Schiraldi and was take to Brooklyn Central Bookings at 8:00 a.m. on February 27, 2009. No personal property was removed from § 87(2)(b) (**Encl. D5**).

**Summons for Incident and Disposition**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]

**Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of December 29, 2009 with regard to the incident.

**Civilian(s) Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Civilian(s) CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) (**Encl. A3**).

### **Subject Officer(s) CCRB History**

- PO Schiraldi has been a member of the service for two years and there are no substantiated CCRB allegations against him (**Encl. A1**).
- PO Rosenthal has been a member of the service for one year and there are no substantiated CCRB allegations against him (**Encl. A2**).

### **Conclusion**

#### **Identification of Subject Officer(s)**

Although both PO Schiraldi and PO Rosenthal did not specifically recall interacting with § 87(2)(b) this investigation has determined that they were present at the time of the incident, based on PO Schiraldi's memo book, the summonses that were issued, and the fact that PO Rosenthal was his partner at the time of the incident.

#### **Investigative Findings and Recommendations**

##### **Allegation A – Abuse of Authority: PO Matthew Schiraldi stopped § 87(2)(b)**

Although, § 87(2)(b) stated that he did not know why the officers approached him, according to the police documentation and PO Schiraldi's memo book, § 87(2)(b) had a pocketknife in plain view. § 87(2)(b) contended that the knife was in his pocket and that the officers only discovered it during their search after he was in their custody. However, neither PO Schiraldi nor PO Rosenthal recalled any specific detail about their interaction with § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

##### **Allegation B – Abuse of Authority: PO Joel Rosenthal entered § 87(2)(b)**

##### **Brooklyn.**

§ 87(2)(b) alleged that PO Rosenthal entered his home without his permission in order to place his property inside. However, neither PO Schiraldi nor PO Rosenthal remembered this incident and did not recall ever going to a perpetrator's home while he is in their custody in order to return property. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(4-b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team: \_\_\_\_\_

Investigator: _____	<u>Cordell Hackshaw</u>	_____
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date